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2 Eastern District of Washington  
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5  
6 UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF WASHINGTON  
8

9 UNITED STATES OF AMERICA,

1:16-CR-2047-SMJ

10 Plaintiff,

11 GOVERNMENT'S SENTENCING  
12 MEMORANDUM FOR  
RESENTENCING

13 vs.

14 GERARDO MADEROS LORETO,

15 Defendant.

16  
17 The United States of America, by and through WILLIAM D. HYSLOP,  
18 United States Attorney for the Eastern District of Washington, and Benjamin D.  
19 Seal, Assistant United States Attorney, submits the following Government's  
20 Sentencing Memorandum.  
21

22 I. Base Offense Level and Enhancements  
23

24 The PSIR provides for a total offense level of 39, criminal history VI, with a  
25 guideline range of 360 months to life.

26 The Government agrees with the guideline calculations in the PSIR.  
27  
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1 II. Departures

2 The Government is not aware of any departures that are warranted.

3 III. 18 U.S.C. § 3553(a)

4 The guideline range of 360 months to life provides a reasonable sentence  
5  
6 sufficient, but not greater than necessary, to comply with the purposes set forth in 18  
7 U.S.C. § 3553.

8  
9 This case resulted from Defendant's repeated efforts to arrange for the murder  
10 of his ex-girlfriend, A.G. After their breakup, A.G. obtained a court order prohibiting  
11 Defendant from contacting her directly or through third parties. Defendant  
12 disregarded this order in violent fashion, resulting in his imprisonment. Defendant  
13 continued to contact A.G. from prison, especially after he learned that she was  
14 pregnant with another man's child. Though his friends encouraged him to leave A.G.  
15 alone, Defendant's intent towards A.G. became more violent, and he attempted to hire  
16 someone to kill A.G. The police intervened and Defendant was indicted for use of the  
17 mail to commit murder for hire. After his federal indictment, Defendant continued to  
18 try to hire someone to kill A.G., resulting in new charges of murder for hire and  
19 methamphetamine distribution.  
20  
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22

23 Defendant's behavior shows a total disregard for the law, an unwillingness to be  
24 deterred from criminal conduct, and a persistent intent to commit violent crimes.  
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26 Defendant's history and characteristics also support a sentence within the  
27 guideline range. Defendant is a Norteno gang member, and at one time held an  
28

1 important leadership position in the gang. Defendant used his gang connections to  
2 facilitate commission of the crimes in this case. Defendant has a long criminal history  
3 including multiple convictions for burglary and illegal possession of a firearm.  
4

5 IV. Defendant's Conduct Post-Sentencing: November 4, 2019 Escape  
6 Attempt.

7 On November 4, 2019, Defendant attempted to escape from the Yakima County  
8 Jail by breaking a hole through the ceiling of his cell. The hole was apparently  
9 discovered before Defendant had an opportunity to use it to leave the cell.  
10

11 On November 4, 2019, a DOC officer conducted a walkthrough of D unit where  
12 Defendant was being held. The officer walked by cell 10 and observed a large hole in  
13 the ceiling of the cell. Defendant was the only occupant of cell 10. The officer  
14 handcuffed Defendant and escorted him out of the cell. Defendant had superficial  
15 scratch marks on both of his forearms. An officer contacted Defendant in order to  
16 photograph the scratch marks on Defendant's forearms, however, Defendant refused  
17 to display his arms to be photographed. Officers searched Defendant's cell. They  
18 found no contraband or anything suspicious other than debris from the ceiling. In  
19 order to create the hole, Defendant broke through first a layer of cement type  
20 substance, then through a metal layer of mesh. A report and photographs of the hole  
21 created by Defendant are attached as Attachment A.  
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V. Defendant's Conduct Post-Sentencing: Stabbing in BOP Custody

As mentioned in the PSR (¶189), Defendant was involved in a stabbing that occurred while in BOP custody. A summary of the incident is as follows.

On November 30, 2018, a man with the initials J.L. arrived at USP Florence, a high security penitentiary located in Colorado. At that time Defendant was serving his sentence in the same facility.

J.L. is a former member of the Ogden Trece, which is a gang from Utah that uses the number "13" to represent them. As a result, J.L. has the number "13" tattooed on his body. The number "13" is also known to be used by the Surenos, but J.L. explained to intake officers that the tattoos on his body using "13" were not related to the Surenos. In fact, J.L. explained that Surenos were enemies of the Ogden Trece. J.L. was told he could be placed in protective custody, however, J.L. said he wanted to be in general population.

A day or two after J.L. arrived at USP, he went out to talk to a couple of other inmates from Utah and was introduced to a couple of inmates from Texas. J.L. explained that he was a member of the Ogden Trece gang, so his "13" tattoos did not mean he was a Sureno gang member. Some of the inmates indicated they understood because other Ogden gang members had walked the yard at USP Florence. J.L. had this conversation multiple times with multiple inmates during his first two days at USP Florence.

1 Nevertheless, on December 2, 2018, as J.L. was walking by two other inmates,  
2 the two inmates brandished knives and began stabbing J.L. One of these inmates who  
3 stabbed J.L. was Defendant.

4 After being stabbed multiple times, blood started squirting from J.L.'s ear and  
5 oozing from his right arm. Officers quickly arrived and used OC spray on Defendant  
6 and the other stabber. The stabbing was captured on video and officers recovered the  
7 knives used in the attack.  
8

9 J.L. was transported to Parkview hospital following this incident. He was  
10 treated for multiple stab wounds, which were approximately one to two centimeters in  
11 size. He had wounds behind his left ear, on his shoulders, left anterior chest, midline  
12 back, and abdomen. He was diagnosed with a hernia, some pnemoperitoneum, and  
13 some hearing loss as a result of the wound behind his left ear. J.L. received surgery to  
14 repair the hernia and his wounds were sutured. J.L. was released from Parkview and  
15 returned to the USP on December 6, 2018. However, he subsequently developed a  
16 severe infection in his stomach wound and an additional hernia. The hernia caused  
17 J.L.'s stomach to distend. The distension initially was the size of a golf ball, but later  
18 grew to the size of a basketball.  
19

## 20 VI. Sentencing Recommendation

21 Based on the conduct charged in the Indictment as well as Defendant's conduct  
22 post-sentencing, the Government recommends a sentence of 396 months.  
23

24 DATED this 12th day of November, 2019.

1 WILLIAM D. HYSLOP  
2 United States Attorney

3 s/Benjamin D. Seal  
4 BENJAMIN D. SEAL  
5 Assistant United States Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 12, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will provide notice to the counsel of record in this case.

s/ Benjamin D. Seal  
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